

improvement, either public or private, action may be brought in the county wherein said building or improvement, or any part thereof is located.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its passage and approval, and its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved February 24, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital February 25, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 165.

DISPOSITION OF PROCEEDS OF REAL ESTATE SOLD IN ACTIONS OF PARTITION.

S. F. 418.

AN ACT to amend section four thousand two hundred sixty-eight (4268) of the code, in relation to the disposition of the proceeds of real estate sold in actions of partition.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. When parties are married. That section four thousand two hundred sixty-eight (4268) of the code be and the same is hereby amended by adding thereto the following:

“Provided that in case the amount of any share shall not exceed the sum of one thousand (\$1000) dollars the court may in its discretion direct the same to be paid to the owner or two-thirds to the owner and one-third to the spouse; and provided further, that in all cases when it is shown to the satisfaction of the court that the owner has been abandoned by the husband or wife, the whole amount shall be paid to the owner and no agreement therefor shall be required.”

Approved April 6, A. D. 1911.

CHAPTER 166.

FORFEITURE OF CONTRACT.

H. F. 26.

AN ACT to amend section four thousand two hundred ninety-nine (4299) of the code, relating to the declaration of forfeiture of contract and the service of notice relating thereto, and to amend section four thousand three hundred (4300) of the code relating to the recording of notice of forfeiture of contract.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Notice served personally or by publication. That section four thousand two hundred ninety-nine (4299) of the code be and the same is hereby amended by striking out all of the said section after the word “notice” in line (7) thereof, and inserting in lieu thereof the following:

“shall contain a declaration of an intention to forfeit said contract and the reason therefor and may be served personally or by publication, on the same conditions, and in the same manner as is provided for the service of original notices. If such notice is served by publication no affidavit therefor shall be

required and the forfeiture shall not take place until thirty (30) days after the last publication day.

SEC. 2. **Notice filed and recorded—fee.** That section four thousand three hundred (4300) of the code be and the same is hereby amended by adding thereto the following:

“If said payments are not made, or the conditions broken, are not performed within said period of thirty (30) days the vendor may file for record in the recorder’s office the notice of forfeiture with the proof of service thereto attached, and if service was by publication also file his affidavit that personal service of the notice could not be had within this state; and when so filed and recorded the record thereof shall be constructive notice to all persons of the declaration of forfeiture and service of notice thereof. The recorder shall receive the same fee therefor as for recording other instruments.”

Approved April 8, A. D. 1911.

CHAPTER 167.

SECURITY FOR COSTS IN JUSTICE COURTS.

H. F. 162.

AN ACT relating to security for costs in justice courts. [Additional to chapter one (1) of title twenty-two (XXII) of the code, relating to justices of the peace and their courts.]

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Security for costs.** If a defendant in any cause of action in the justice court at any time within two days before the commencement of the trial of the cause, shall make and file an affidavit stating that he has a good defense in whole or in part, the plaintiff, if he is a nonresident of this state, or a private or foreign corporation, before any other proceedings in the action, must file with the justice of the peace before whom such action is pending, a bond with sureties to be approved by such justice in an amount to be fixed by the justice for the payment of all costs which may accrue in the action in the court in which it is brought, or in any other justice court to which it may be carried, either to the defendant or to the officers of the court. The application for such security shall be by motion, filed with the case, and the facts supporting it must be shown by affidavit annexed thereto, which may be responded to by counter affidavits on or before the hearing of the motion, and each party shall file all his affidavits at once and none thereafter.

Approved March 25, A. D. 1911.